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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,613	02/05/2004	Michael Kovacs	ORACL-01301US1	5069
80548	7590	05/26/2010	EXAMINER	
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	
			NOTIFICATION DATE	DELIVERY MODE
			05/26/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/772,613	<b>Applicant(s)</b> KOVACS ET AL.	
	<b>Examiner</b> SAJEDA MUHEBBULLAH	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 15-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-29 and 31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to RCE/Amendment filed on 03/29/2010.
2. Claims 1-8, 15-29, and 31-34 are pending in this application. Claims 1-8, 15, 17, 19-22, 28-29 and 31-33 have been amended and claim 34 is new.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, 15-18, 21, 23-25, 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. ("Kemper", US 6,804,682) in view of Kiernan et al. ("Kiernan", US 5,701,137).

As per claim 1, Kemper teaches a system for supporting application deployment, comprising:

a plurality of deployment descriptors that are adapted to describe deployment and configuration information of a plurality of applications (col.10, lines 1-12, *project(s)*) deployed on a web server (col.22, lines 48-49), wherein each application of the plurality of applications is associated with at least one deployment descriptor of the plurality of deployment descriptors (col.10, lines 1-12); and

a builder component capable of creating a master tree data structure based on a present state of all deployment descriptor files (col.13, 32-62; col.22, lines 43-60); wherein the master tree data structure represents resources associated with the plurality of applications, wherein the plurality of applications include a first application and the master tree data (col.13, lines 36-45; Fig.4, 471).

Although Kemper teaches making changes to deployment descriptor files and refreshing of the application after modifications have been made (col.14, line 1-col.15, line 3), Kemper does not explicitly teach creating a separate tree data structure based on a current state of source files in a project directory associated with the first application, wherein the separate tree data structure represents resources associated with the first application; comparing the sub-tree that corresponds to the first application in the master tree data structure with the separate tree data structure; and refreshing the master tree data structure based on the separate tree data structure, if the master tree data structure is different from the separate tree data structure.

Kiernan teaches a system for creating a separate tree data structure based on the current state of files in a directory associated with an application and comparing the separate tree with a sub-tree in a master tree and updating the master tree accordingly (Kiernan, col.3, lines 1-11, col.7, lines 34-37, col.10, lines 56-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Kiernan's teaching with Kemper's tool in order to update trees to reflect all current changes and being able to handle applications individually.

As per claim 2, Kemper teaches the system further comprising: a user interface capable of rendering an error message (col.10, lines 13-18).

As per claim 4, Kemper teaches the system further comprising:

a parser capable of generating a representation of the at least one deployment descriptor (col.13, lines 35-37);

a generator capable of creating the at least one deployment descriptor (col.13, lines 49-62); and

a validator capable of validating the at least one deployment descriptor (col.13, lines 38-41).

As per claim 5, Kemper teaches the system wherein the validator is capable of generating an error when it encounters a syntactic or semantic fault in the at least one deployment descriptor (col.10, lines 13-18).

As per claim 6, Kemper teaches the system wherein: the builder component is further capable of automatically updating the at least one deployment descriptor to reflect one or more changes in at least one source code file (col.22, lines 23-24).

Claims 15 and 21 are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claims 16-18 and 23-25 respectively are similar in scope to claims 4-6 respectively, and are therefore rejected under similar rationale.

As per claim 28, Kemper teaches the system wherein the interactive tool is capable of automatically repairing a first deployment descriptor of the at least one deployment descriptors if the first deployment descriptor is defective (col.22, lines 23-24).

As per claim 33, Kemper teaches the system wherein the builder component is further capable of generating a new deployment descriptor for the application from the refreshed master tree data structure (col.24, lines 1-7).

5. Claims 3, 8, 20, 22, 27, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. ("Kemper", US 6,804,682) and Kiernan et al. ("Kiernan", US 5,701,137) in view of Chan et al. ("Chan", US 2003/0028364).

As per claim 3, the invention of Kemper and Kiernan teaches the system of claim 2 wherein an error message is rendered (Kemper, col.10, lines 13-18). However, the invention of Kemper and Kiernan does not teach wherein user selection of the error message can cause the second user interface to render a user-editable representation of the at least one deployment descriptor component that is in error. Chan teaches a system for manipulating a file wherein an error message and the associated position of the error is displayed (Chan, para.0036). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Chan's teaching with the invention of Kemper and Kiernan in order to locate the error quickly.

As per claim 8, the invention of Kemper and Kiernan teaches the system wherein the at least one deployment descriptor can be expressed as JAVA (Kemper, col.8, line 32). However, the invention of Kemper and Kiernan does not teach the deployment descriptor to be expressed as an Extensible Markup Language document. Chan teaches an interactive tool wherein the deployment descriptor can be expressed as an Extensible Markup Language document (Chan, para.002). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Chan's teaching with the invention of Kemper and Kiernan in order to accommodate other types of files.

Claims 22 and 32 are similar in scope to claim 3, and are therefore rejected under similar rationale.

Claims 20 and 27 are individually similar in scope to claim 8, and are therefore rejected under similar rationale.

As per claim 29, the invention of Kemper and Kiernan teaches the system wherein the builder component is capable of creating a tree data structure expressed as JAVA (Kemper, Fig.4, col.8, line 32). However, the invention of Kemper and Kiernan does not teach the builder component capable of creating a tree data structure that embodies hierarchical relationships of nested XML statements. Chan teaches an interactive tool wherein the building of applications is capable of creating tree data structures using XML (Chan, para.002). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Chan's teaching with the invention of Kemper and Kiernan in order to accommodate other types of files.

6. Claims 7, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. ("Kemper", US 6,804,682) and Kiernan et al. ("Kiernan", US 5,701,137) in view of Timbol (US 6,237,135).

As per claim 7, the invention of Kemper and Kiernan teaches the system wherein the hierarchical representation can include information pertaining to JAVA (Kemper, col.8, line 32). However, the invention of Kemper and Kiernan does not explicitly teach the information to pertain to an archive file. Timbol teaches an interactive tool for manipulating a file wherein the hierarchical representation can include information pertaining to a Java archive file (Timbol, col.10, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Timbol's teaching with the invention of Kemper and Kiernan in order to accommodate other types of files.

Claims 19 and 26 are similar in scope to claim 7, and are therefore rejected under similar rationale.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. ("Kemper", US 6,804,682) and Kiernan et al. ("Kiernan", US 5,701,137) in view of Birkler et al. ("Birkler", US 6,466,951).

As per claim 31, the invention of Kemper and Kiernan teaches the updating of binary modules (Kemper, col.24, lines 1-7). However, the invention of Kemper and Kiernan does not teach the invention wherein the builder component is further capable of allowing a module to be shared by both the first application and a second application; disassociating the module from the first application in the master tree data structure, when the module is removed from the first application; keeping the module in the master tree data structure to allow the second application to use the module. Birkler teaches an interactive tool for synchronizing two files wherein a file stored on the current application may delete an item which is not deleted on the host or master application (Birkler, col.5, line 66-col.6, line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Birkler's teaching with the invention of Kemper and Kiernan in order to prevent accidental deletion of items.

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemper et al. ("Kemper", US 6,804,682) and Kiernan et al. ("Kiernan", US 5,701,137) in view of Bunnell (US 6,119,122).

As per claim 34, the invention of Kemper and Kiernan teaches display of multiple panes (Kemper, Fig.4). However, the invention of Kemper and Kiernan does not teach a pane that displays a single field for a value, wherein the single field maps to multiple values in the at least one deployment descriptor. Bunnell teaches a system of editing values in a directory of objects wherein the value may be chosen from a menu of values (Bunnell, col.8, lines 61-65; col.9, lines 18-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Bunnell's teaching with the invention of Kemper and Kiernan in order to edit information.

### ***Response to Arguments***

9. Applicant's arguments with respect to Amendment filed 07/01/2009 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vaidya et al. (US 2002/0083073) teaches updating a complete hierarchical data set as portions of the data set are modified.

### ***Communications***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**.

The examiner can normally be reached on Wednesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached on (571) 272-7767.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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